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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 09/823,508 | 03/29/2001 | Dennis Sunga Fernandez | FERN-P001E | 9844 |
| 22877 | 7590 | 08/16/2005 | EXAMINER | |
| FERNANDEZ & ASSOCIATES LLP 1047 EL CAMINO REAL SUITE 201 MENLO PARK, CA 94025 | | | VO, TUNG T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2613 | |

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/823,508 | Applicant(s) FERNANDEZ ET AL. | |
| | Examiner Tung Vo | Art Unit 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 19, 22-32, 34, 35 and 37-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-17, 20-21, 33, 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 22-35 and 37-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-19, 24-26, 28-32, 34-35, and 37-49 rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (US 5,959,577) in view of Hollenberg (US 6,091,956) as set forth in the previous Office Action dated 06/10/2005, and the discussion below.

Re claims 18-19, 24-26, 28-32, 34-35, and 37-49, the combination of Fan and Hollenberg teaches an Internet coupled network for electronically linking at least one fixed vendor processor to at least one mobile buyer processor comprising all limitations as set forth in the previous Office Action dated 07/11/2005.

Moreover, Fan teaches the software being partitioned modularly or layered hierarchically in a first core component comprise a database (18 of fig. 2, e.g. data processing station may also perform a database search for travel-related information, such as directions to a gasoline station); and a next function component comprising a transaction module (144 of fig. 5; Note in the figure 5, a wireless modem circuit (146) provides the outbound data package to data network (27 of fig. 2) over wireless telephone network interface (148) via service connection (10 of fig. 1). Depending on the application, control section (133) may or may not be programmed for receiving an inbound data package from wireless transceiver (144)); whereby one or more

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software agent (figs. 3, 4, 6, 7, 12, and 13, e.g. the Internet is used as data network 27 (FIG. 1), the necessary hardware and software for implementing a monitor unit are readily available. Most computers that have the ability to access the Internet, together with a standard web browser, can be used to access data processing station 18 to perform the functions of the monitor units described above. Since a monitor unit can receive a map from data processing station 18, such as the map displayed on LCD 212 in FIG. 13, which can be displayed using conventional graphics software, the monitor unit is not required to be equipped with any special map software or a map database) may function cooperatively with or use the first core or next core component to enable extended or integrated network transaction between vendor (gas station) and buyer processors (1 of fig. 1; Note as shown in FIG. 13, the response from data station 18 is received in mobile unit 1 through transceiver/antenna assembly 208 and displayed on LCD 212. In this instance, the query sent to data station 18 corresponds to the selection of "gas station". In FIG. 13, data processing station 18 returns to mobile unit 1, in an inbound data package, a map which is displayed on LCD 212, showing the vicinity of mobile unit 1. Mobil unit 1's position is indicated on LCD 212 by a marker 225. The locations of several gas stations, indicated by markers 220 are also displayed).

Additionally, Hollenberg suggests the software being partitioned modularly or layered hierachirally in a first core component comprise a database (col. 23, lines 37-63); and a next function component comprising a transaction module (col. 23, line 64-col. 24, line 28); whereby one or more software agent may function cooperatively with or use the first core or next core component to enable extended or integrated network transaction between vendor and buyer processors (fig. 13 and 14).

Therefore, one of ordinary skill in the art would obviously combine the teachings of Fan and Hollenberg to provide the Internet-coupled network system for improving the operations of computer reception, search, and display of such information for the edification, efficiency, and enjoyment of computer users. Doing so would reduce the cost traveling from one place to another and assist a user to easily select which product or service to choose from the databases (store databases, information databases).

3. Claims 22-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (US 5,959,577) in view of Hollenberg (US 6,091,956) as applied to claim 18, and further in view of Kennedy, 111 et al. (US 6,301,480) as set forth in the previous Office Action dated 06/10/2005, and the discussion above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung Vo
Primary Examiner
Art Unit 2613